

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1899/2dn
RCT/PJH/RJM:kjf:jf

March 28, 2003

Rose Smyrski:

This is a draft of the proposal to require state agencies to act on applications within periods that the agencies establish by rule. Please review the draft carefully, especially to make certain that we have not included kinds of approvals that you want excluded or excluded kinds that you want included and that we have identified which applications are automatically approved and which result in fee refunds in accordance with your intent. There were a number of judgment calls that had to be made in the drafting of this proposal.

This draft does not require agencies to establish deadlines for acting on open records requests under s. 19.35, stats. Current law requires agencies to comply with or deny an open records request "as soon as practicable and without delay." If you want to add open records requests to this draft, please let me know.

Under current law, the Land Information Board approves county records modernization plans under s. 59.72 (3) (b), stats. This draft does not cover these approvals because the board is scheduled to sunset on September 1, 2003. There are, however, proposals to extend the existence of the board. If the board's existence is extended and you want the draft to cover these approvals, we can draft an amendment to accomplish that.

If you have redraft instructions, please let me know. If you have questions about how the draft treats (or why it does not treat) specific kinds of approvals, I can put you in contact with the attorney who drafted the relevant part of the draft.

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Please note that this draft does not require the Department of Transportation to promulgate rules relating to the issuance of the following: commercial driver's licenses and school bus driver's licenses, temporary operating permits and temporary

registration plates for vehicles awaiting permanent registration, occupational driver's licenses, and access by law enforcement agencies to photographs maintained by the Department of Transportation.

I believe that these are outside the scope of your request; please let me know if you do want them included in the draft.

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As you review the attached draft, please note the following issues:

1. You may want to provide the Department of Commerce with a copy of proposed ss. 101.022 and 101.023 to obtain their input. There may be Department of Commerce approvals in addition to those currently exempted from proposed s. 101.023 that would make sense to exempt from the automatic approval provisions.
2. As currently drafted, automatic approval provisions apply to any approval required to be obtained from the Department of Financial Institutions (DFI), other than approval of specified license applications. See proposed ss. 224.50 and 224.60. There are numerous cases in which the Division of Banking in DFI is required to approve certain proposed actions with regard to the operation of banking institutions. For example, there are 80 hits in ch. 215 alone for the use of the terms "division" and "approve" or "approval." Do you want to exempt approvals of the Division of Banking from the automatic approval provisions?
3. You may want to provide DFI with a copy of proposed ss. 224.50 and 224.60 to obtain their input. In addition to the approvals of the Division of Banking, there may be other DFI approvals that would make sense to exempt from the automatic approval provisions.

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